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5 Attorney for Plaintiff  
6 HERITAGE PACIFIC FINANCIAL, LLC d/b/a HERITAGE PACIFIC  
7 FINANCIAL  
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10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA  
12

13 HERITAGE PACIFIC FINANCIAL,  
14 LLC D/B/A HERITAGE PACIFIC  
FINANCIAL, a Texas Limited Liability  
Company,

15 Plaintiff,

16 v.

17 CHARLENE CHAO; JEFFERY  
18 TOMAZIN; PRISCILLA TOMAZIN;  
19 MARIA SOILA CARBAJAL; JAMES  
TAYLOR; REMUS EPPIE; SILVIA  
20 ELIZABETH SALMERON; VERONICA  
21 CONKLIN; MORADALI AMIRINEGAR;  
22 MARTHA ROCHA; VICTOR BONILLA;  
23 LETICIA VALENZUELA; ANTONIA  
PEDRAZA; BONNIE RHEA SCOTT;  
24 JORGE VELASCO; JENNIE  
ARISMENDEZ; PAUL RADWICH;  
25 MARY PEARSON; JOSE EDUARDO  
PAVON; JENNIFER ANNE VON  
26 BIMA; FRED ORTIZ; SONIA  
27 NAVARRO; OTILA MURRIETTA;  
28 GELENIE QUIOCHO AMIGABLE;

Case No. SACV09-01466AG (RNBx)

PLAINTIFF'S NOTICE OF  
APPLICATION FOR FINAL  
DEFAULT JUDGMENT AND  
PLAINTIFF'S MOTION FOR  
FINAL DEFAULT JUDGMENT  
AGAINST DEFENDANTS,  
JEFFERY TOMAZIN, PRISCILLA  
TOMAZIN, MARIA SOILA  
CARBAJAL, JAMES TAYLOR,  
REMUS EPPIE, VERONICA  
CONKLIN, MORADALI  
AMIRINEGAR, MARTHA ROCHA,  
VICTOR BONILLA, LETICIA  
VALENZUELA, ANTONIA  
PEDRAZA, JORGE VELASCO,  
JENNIE ARISMENDEZ, MARY  
PEARSON, JOSE EDUARDO  
PAVON, JENNIFER ANNE VON  
BIMA, FRED ORTIZ, OTILA

AMANDA ESPINELLO, CLAUDIA TOVAR; SERGIO TOVAR; BERTHA CORTES; MIGUEL CORTES FERRAL; JORGE SIGUENZA; BLANCA RODAS; ALFREDO JIMENEZ; ELOISA PINEDA; MONICA ANGUIANO; SALOMON SOLIS; and LOURDES VELAZQUES,

MURRIETTA, GELENIE QUIOCHO AMIGABLE, AMANDA ESPINELLO, CLAUDIA TOVAR, SERGIO TOVAR, BERTHA CORTES, MIGUEL CORTES FERRAL, ELOISA PINEDA, MONICA ANGUIANO, and LOURDES VELAZQUES.

Defendants.

**Hearing Date: February 8, 2010**  
**Time: 10:00 AM**  
**Courtroom: 10D**

**COMES NOW**, PLAINTIFF, HERITAGE PACIFIC FINANCIAL, LLC D/B/A HERITAGE PACIFIC FINANCIAL, who on February 8, 2010 at 10:00 AM at Courtroom 10D at 411 West Fourth Street, Santa Ana, CA 92701 will respectfully request the Court to enter a Final Default Judgment against Defendants, JEFFERY TOMAZIN, PRISCILLA TOMAZIN, MARIA SOILA CARBAJAL, JAMES TAYLOR, REMUS EPPIE, VERONICA CONKLIN, MORADALI AMIRINEGAR, MARTHA ROCHA, VICTOR BONILLA, LETICIA VALENZUELA, ANTONIA PEDRAZA, JORGE VELASCO, JENNIE ARISMENDEZ, MARY PEARSON, JOSE EDUARDO PAVON, JENNIFER ANNE VON BIMA, FRED ORTIZ, OTILA MURRIETTA, GELENIE QUIOCHO AMIGABLE, AMANDA ESPINELLO, CLAUDIA TOVAR, SERGIO TOVAR, BERTHA CORTES, MIGUEL CORTES FERRAL, ELOISA PINEDA, MONICA ANGUIANO, and LOURDES VELAZQUES, as authorized by Federal Rules of Civil Procedure 55 and 54.

**A.**

**INTRODUCTION**

1. Plaintiff is HERITAGE PACIFIC FINANCIAL, LLC d/b/a HERITAGE PACIFIC FINANCIAL. Defendants are JEFFERY TOMAZIN, PRISCILLA TOMAZIN, MARIA SOILA CARBAJAL, JAMES TAYLOR, REMUS EPPIE, SILVIA ELIZABETH SALMERON, VERONICA CONKLIN, MORADALI AMIRINEGAR, MARTHA ROCHA, VICTOR BONILLA, LETICIA VALENZUELA, ANTONIA PEDRAZA, BONNIE RHEA

SCOTT, JORGE VELASCO, JENNIE ARISMENDEZ, MARY PEARSON, JOSE EDUARDO PAVON, JENNIFER ANNE VON BIMA, FRED ORTIZ, OTILA MURRIETTA, GELENIE QUIOCHO AMIGABLE, AMANDA ESPINELLO, CLAUDIA TOVAR, SERGIO TOVAR, BERTHA CORTES, MIGUEL CORTES FERRAL, JORGE SIGUENZA, ALFREDO JIMENEZ, ELOISA PINEDA, MONICA ANGUIANO, SALOMON SOLIS, and LOURDES VELAZQUES.

**B.**

**ENTRY OF FINAL DEFAULT JUDGMENT AGAINST DEFENDANTS**

2. On December 11, 2009, Plaintiff sued Defendants for (a) Breach of Contract, (b) Intentional Misrepresentation, (c) Fraudulent Concealment, and (d) Negligent Misrepresentation.

3. Defendants, although duly served with Summons and a file-stamped copy of the Complaint, failed to timely file an Answer with the Court.

4. On January 14, 2010, pursuant to a properly filed Motion for Entry of Default, the Clerk entered a Default against Defendants, MARIA SOILA CARBAJAL, JAMES TAYLOR, REMUS EPIE, MARTHA ROCHA, LETICIA VALENZUELA, JORGE VELASCO, JENNIE ARISMENDEZ, OTILA MURRIETTA, CLAUDIA TOVAR, SERGIO TOVAR, BERTHA CORTES, MIGUEL CORTES FERRAL, ELOISA PINEDA, MONICA ANGUIANO, and LOURDES VELAZQUES. A copy of the Motion and Order are filed of record as Document Numbers 29 and 35 and are incorporated herein by reference as if set forth herein verbatim.

5. On January 20, 2010, pursuant to a properly filed Request for Entry of Default, the Clerk entered a Default against Defendants, JEFFERY TOMAZIN, PRISCILLA TOMAZIN, ANTONIA PEDRAZA, and FRED ORTIZ. A copy of the Motion and Order are filed of record as Document Numbers 46 and 56 and are incorporated herein by reference as if set forth herein verbatim.

6. On February 1, 2010, pursuant to a properly filed Request for Entry of Default, the Clerk entered a Default against Defendants, VERONICA CONKLIN, MORADALI AMIRINEGAR, VICTOR BONILLA, MARY PEARSON, GELENIE QUIOCHO AMIGABLE,

1 and AMANDA ESPINELLO. A copy of the Motion and Order are filed of record as Document  
2 Numbers 63 and 68 and are incorporated herein by reference as if set forth herein verbatim.

3 7. On February 1, 2010, pursuant to a properly filed Request for Entry of Default,  
4 the Clerk entered a Default against Defendants, JOSE EDUARDO PAVON and JENNIFER  
5 ANNE VON BIMA. A copy of the Motion and Order are filed of record as Document Numbers  
6 66 and 69 and are incorporated herein by reference as if set forth herein verbatim.

7 8. Plaintiff now asks the Court to render a Final Default Judgment against  
8 Defendants, JEFFERY TOMAZIN, PRISCILLA TOMAZIN, MARIA SOILA CARBAJAL,  
9 JAMES TAYLOR, REMUS EPIE, VERONICA CONKLIN, MORADALI AMIRINEGAR,  
10 MARTHA ROCHA, VICTOR BONILLA, LETICIA VALENZUELA, ANTONIA PEDRAZA,  
11 JORGE VELASCO, JENNIE ARISMENDEZ, MARY PEARSON, JOSE EDUARDO PAVON,  
12 JENNIFER ANNE VON BIMA, FRED ORTIZ, OTILA MURRIETTA, GELENIE QUIOCHO  
13 AMIGABLE, AMANDA ESPINELLO, CLAUDIA TOVAR, SERGIO TOVAR, BERTHA  
14 CORTES, MIGUEL CORTES FERRAL, ELOISA PINEDA, MONICA ANGUIANO, and  
15 LOURDES VELAZQUES.

### 16 C.

### 17 ARGUMENT FOR ENTRY OF FINAL DEFAULT JUDGMENT

### 18 AGAINST DEFENDANTS

19 9. The Court may render a Final Default Judgment against a party who has not filed  
20 a responsive pleading or otherwise defended the suit. *See* Fed. R. Civ. P. 55(a), (b)(2).

21 10. To the extent, if any, that the Court's grant of Final Default Judgment against the  
22 Defendants named herein would not dispose of all claims and/or Defendants, Plaintiff seeks a  
23 Final Default Judgment against each of the following named Defendants, pursuant to Federal  
24 Rule of Civil Procedure 54(b): JEFFERY TOMAZIN, PRISCILLA TOMAZIN, MARIA  
25 SOILA CARBAJAL, JAMES TAYLOR, REMUS EPIE, VERONICA CONKLIN,  
26 MORADALI AMIRINEGAR, MARTHA ROCHA, VICTOR BONILLA, LETICIA  
27 VALENZUELA, ANTONIA PEDRAZA, JORGE VELASCO, JENNIE ARISMENDEZ,  
28

MARY PEARSON, JOSE EDUARDO PAVON, JENNIFER ANNE VON BIMA, FRED ORTIZ, OTILA MURRIETTA, GELENIE QUIOCHO AMIGABLE, AMANDA ESPINELLO, CLAUDIA TOVAR, SERGIO TOVAR, BERTHA CORTES, MIGUEL CORTES FERRAL, ELOISA PINEDA, MONICA ANGUIANO, and LOURDES VELAZQUES.

a. FRCP 54(b) states, in relevant part:

...the court may direct the entry of a final judgment as to one or more but fewer than all of the claims or parties only upon an express determination that there is no just reason for delay and upon an express direction for the entry of judgment.

b. The entries of default have been entered against each of the above-named defendants. Furthermore, each Defendant has been served, by private process server, with Plaintiff's Notice of Application for Final Default Judgment, the date, time, and place of hearing thereon, and the amount of damages – actual and punitive – that Plaintiff seeks against each Defendant. Defendants have nonetheless failed to answer, appear or otherwise defend this suit. As such, there is no just reason for delay in the final disposition of this suit as against the above-named Defendants.

11. The Court should render a Final Default Judgment against said Defendants, because Defendants did not file an Answer within 21 days after their respective dates of service, as more particularly described in the above-referenced Motion and/or Requests for Entry of Default, which are incorporated herein by reference.

12. Defendants are neither minors, incapacitated, nor in the United States military, as more particularly described in the above-referenced Motion and/or Requests for Entry of Default, which are incorporated herein by reference as if set forth verbatim.

13. Plaintiff seeks damages in the following amounts and further requests an evidentiary hearing to present evidence in support of its request for damages:

- a. Defendants, JEFFERY TOMAZIN and PRISCILLA TOMAZIN, jointly and separately, for \$110,000.00 in actual damages and \$220,000.00 in punitive damages, for total damages in the amount of \$330,000.00.
- b. Defendant, MARIA CARBAJAL, for \$112,800.00 in actual damages and \$225,600.00 in punitive damages, for total damages in the amount of \$338,400.00.
- c. Defendant, REMUS EPPIE, for \$99,000.00 in actual damages and \$198,000.00 in punitive damages, for total damages in the amount of \$297,000.00.
- d. Defendant, VERONICA CONKLIN, for \$150,000.00 in actual damages and \$300,000.00 in punitive damages, for total damages in the amount of \$450,000.00.
- e. Defendants, CLAUDIA TOVAR and SERGIO TOVAR, jointly and separately, for \$121,000.00 in actual damages and \$242,000.00 in punitive damages, for total damages in the amount of \$363,000.00.
- f. Defendant, MORADALI AMIRINEGAR, for \$82,500.00 in actual damages and \$165,000.00 in punitive damages, for total damages in the amount of \$247,500.00.
- g. Defendant, MARTHA ROCHA, for \$83,900.00 in actual damages and \$167,800.00 in punitive damages, for total damages in the amount of \$251,700.00.
- h. Defendants, BERTHA CORTES and MIGUEL CORTES FERRAL, for \$102,000.00 in actual damages and \$204,000.00 in punitive damages for total damages in the amount of \$306,000.00.
- i. Defendant, VICTOR BONILLA, for \$86,000.00 in actual damages and \$172,000.00 in punitive damages, for total damages in the amount of \$258,000.00.

- 1 j. Defendant, LETICIA VALENZUELA, for \$130,000.00 in actual damages  
2 and \$260,000.00 in punitive damages, for total damages in the amount of  
3 \$390,000.00.
- 4 k. Defendant, ANTONIA PEDRAZA, for \$90,000.00 in actual damages and  
5 \$180,000.00 in punitive damages, for total damages in the amount of  
6 \$270,000.00.
- 7 l. Defendant, JORGE VELASCO, for \$90,000.00 in actual damages and  
8 \$180,000.00 in punitive damages, for total damages in the amount of  
9 \$270,000.00.
- 10 m. Defendant, JENNIE ARISMENDEZ, for \$102,000.00 in actual damages  
11 and \$204,000.00 in punitive damages, for total damages in the amount of  
12 \$306,000.00.
- 13 n. Defendant, MARY PEARSON, for \$122,000.00 in actual damages and  
14 \$244,000.00 in punitive damages, for total damages in the amount of  
15 \$366,000.00.
- 16 o. Defendants, JOSE PAVON and JENNIFER VON BIMA, jointly and  
17 separately, for \$119,000.00 in actual damages and \$238,000.00 in punitive  
18 damages, for total damages in the amount of \$357,000.00.
- 19 p. Defendant, FRED ORTIZ, for \$95,000.00 in actual damages and  
20 \$190,000.00 in punitive damages, for total damages in the amount of  
21 \$285,000.00.
- 22 q. Defendant, OTILA MURRIETTA, for \$99,000.00 in actual damages and  
23 \$198,000.00 in punitive damages, for total damages in the amount of  
24 \$297,000.00.
- 25 r. Defendant, GELENIE QUIOCHO AMIGABLE, for \$111,706.00 in actual  
26 damages and \$223,412.00 in punitive damages, for total damages in the  
27 amount of \$335,118.00.
- 28

- s. Defendant, AMANDA ESPINELLO, for \$88,000.00 in actual damages and \$176,000.00 in punitive damages, for total damages in the amount of \$264,000.00.
- t. Defendant, JAMES TAYLOR, for \$92,000.00 in actual damages and \$184,000.00 in punitive damages, for total damages in the amount of \$276,000.00.
- u. Defendant, ELOISA PINEDA, for \$69,000.00 in actual damages and \$138,000.00 in punitive damages, for total damages in the amount of \$207,000.00.
- v. Defendant, MONICA ANGUIANO, for \$68,000.00 in actual damages and \$136,000.00 in punitive damages, for total damages in the amount of \$204,000.00.
- w. Defendant, LOURDES VELAZQUES, for \$71,400.00 in actual damages and \$142,800.00 in punitive damages, for total damages in the amount of \$214,200.00.

**D.**

**CONCLUSION**

14. For these reasons, Plaintiff asks the Court to enter a Final Default Judgment in favor of Plaintiff, HERITAGE PACIFIC FINANCIAL, LLC d/b/a HERITAGE PACIFIC FINANCIAL, against the following Defendants as follows:

- a. Defendants, JEFFERY TOMAZIN and PRISCILLA TOMAZIN, jointly and separately, for \$110,000.00 in actual damages and \$220,000.00 in punitive damages, for total damages in the amount of \$330,000.00, plus costs of court and post-judgment interest.
- b. Defendant, MARIA CARBAJAL, for \$112,800.00 in actual damages and \$225,600.00 in punitive damages, for total damages in the amount of \$338,400.00, plus costs of court and post-judgment interest.



- 1 c. Defendant, REMUS EPPIE, for \$99,000.00 in actual damages and  
2 \$198,000.00 in punitive damages, for total damages in the amount of  
3 \$297,000.00, plus costs of court and post-judgment interest.
- 4 d. Defendant, VERONICA CONKLIN, for \$150,000.00 in actual damages  
5 and \$300,000.00 in punitive damages, for total damages in the amount of  
6 \$450,000.00, plus costs of court and post-judgment interest.
- 7 e. Defendants, CLAUDIA TOVAR and SERGIO TOVAR, jointly and  
8 separately, for \$121,000.00 in actual damages and \$242,000.00 in punitive  
9 damages, for total damages in the amount of \$363,000.00, plus costs of  
10 court and post-judgment interest.
- 11 f. Defendant, MORADALI AMIRINEGAR, for \$82,500.00 in actual  
12 damages and \$165,000.00 in punitive damages, for total damages in the  
13 amount of \$247,500.00, plus costs of court and post-judgment interest.
- 14 g. Defendant, MARTHA ROCHA, for \$83,900.00 in actual damages and  
15 \$167,800.00 in punitive damages, for total damages in the amount of  
16 \$251,700.00, plus costs of court and post-judgment interest.
- 17 h. Defendants, BERTHA CORTES and MIGUEL CORTES FERRAL, for  
18 \$102,000.00 in actual damages and \$204,000.00 in punitive damages for  
19 total damages in the amount of \$306,000.00, plus costs of court and post-  
20 judgment interest.
- 21 i. Defendant, VICTOR BONILLA, for \$86,000.00 in actual damages and  
22 \$172,000.00 in punitive damages, for total damages in the amount of  
23 \$258,000.00, plus costs of court and post-judgment interest.
- 24 j. Defendant, LETICIA VALENZUELA, for \$130,000.00 in actual damages  
25 and \$260,000.00 in punitive damages, for total damages in the amount of  
26 \$390,000.00, plus costs of court and post-judgment interest.
- 27 k. Defendant, ANTONIA PEDRAZA, for \$90,000.00 in actual damages and  
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1 \$180,000.00 in punitive damages, for total damages in the amount of  
2 \$270,000.00, plus costs of court and post-judgment interest.

3 l. Defendant, JORGE VELASCO, for \$90,000.00 in actual damages and  
4 \$180,000.00 in punitive damages, for total damages in the amount of  
5 \$270,000.00, plus costs of court and post-judgment interest.

6 m. Defendant, JENNIE ARISMENDEZ, for \$102,000.00 in actual damages  
7 and \$204,000.00 in punitive damages, for total damages in the amount of  
8 \$306,000.00, plus costs of court and post-judgment interest.

9 n. Defendant, MARY PEARSON, for \$122,000.00 in actual damages and  
10 \$244,000.00 in punitive damages, for total damages in the amount of  
11 \$366,000.00, plus costs of court and post-judgment interest.

12 o. Defendants, JOSE PAVON and JENNIFER VON BIMA, jointly and  
13 separately, for \$119,000.00 in actual damages and \$238,000.00 in punitive  
14 damages, for total damages in the amount of \$357,000.00, plus costs of  
15 court and post-judgment interest.

16 p. Defendant, FRED ORTIZ, for \$95,000.00 in actual damages and  
17 \$190,000.00 in punitive damages, for total damages in the amount of  
18 \$285,000.00, plus costs of court and post-judgment interest.

19 q. Defendant, OTILA MURRIETTA, for \$99,000.00 in actual damages and  
20 \$198,000.00 in punitive damages, for total damages in the amount of  
21 \$297,000.00, plus costs of court and post-judgment interest.

22 r. Defendant, GELENIE QUIOCHO AMIGABLE, for \$111,706.00 in actual  
23 damages and \$223,412.00 in punitive damages, for total damages in the  
24 amount of \$335,118.00, plus costs of court and post-judgment interest.

25 s. Defendant, AMANDA ESPINELLO, for \$88,000.00 in actual damages  
26 and \$176,000.00 in punitive damages, for total damages in the amount of  
27 \$264,000.00, plus costs of court and post-judgment interest.  
28

- 1 t. Defendant, JAMES TAYLOR, for \$92,000.00 in actual damages and  
2 \$184,000.00 in punitive damages, for total damages in the amount of  
3 \$276,000.00, plus costs of court and post-judgment interest.
- 4 u. Defendant, ELOISA PINEDA, for \$69,000.00 in actual damages and  
5 \$138,000.00 in punitive damages, for total damages in the amount of  
6 \$207,000.00, plus costs of court and post-judgment interest.
- 7 v. Defendant, MONICA ANGUIANO, for \$68,000.00 in actual damages and  
8 \$136,000.00 in punitive damages, for total damages in the amount of  
9 \$204,000.00, plus costs of court and post-judgment interest.
- 10 w. Defendant, LOURDES VELAZQUES, for \$71,400.00 in actual damages  
11 and \$142,800.00 in punitive damages, for total damages in the amount of  
12 \$214,200.00, plus costs of court and post-judgment interest.

13 DATED: February 2, 2010

14 JUSTIN RYAN

15 By: /s/ Justin T. Ryan

16 Justin Ryan  
17 The Law Office of Justin T. Ryan  
18 Attorney for Plaintiff  
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1 IN THE UNITED STATES DISTRICT COURT  
2 IN AND FOR THE CENTRAL DISTRICT OF CALIFORNIA  
3 HERITAGE PACIFIC FINANCIAL, LLC v. CHAO, et al.

4 **PROOF OF SERVICE BY MAIL**

5  
6 I declare that I am a citizen of the United States and reside in City of San Diego, State of  
7 California. I am over the age of 18 years and not a party to the within case or proceeding. My  
8 business address is 2534 State Street, Suite 404, San Diego, CA 92101.  
9

10 On February 2, 2010, I served a true and correct copy of the within document entitled:  
11 "Motion for Final Default Judgment" on the parties to this action by causing the above said  
12 document(s) to be electronically filed with the Clerk of Court through the Court's CM/ECF  
13 system to Defendant Paul Radwich's counsel's email address of record and service to  
14 Defendants Blanca Rodas and Sonia Navarro via first class mail to her address of record. Proofs  
15 of Service as to the Defendants related to this Motion for Final Default Judgment will be  
16 subsequently filed as each Defendant is served.  
17

18  
19 I certify and declare the above to be true under penalty of perjury and that this proof of  
20 service is dated February 2, 2010 at San Diego, California.

21 By: /s/ Justin Ryan  
22 Justin Ryan  
23 Attorney for Plaintiff  
24  
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26  
27  
28